

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Norimasa Ishii et al.)
)
Serial No.:	10/532,550) Art Unit
) 1794
Filed:	August 17, 2005)
)
For:	GLASS SUBSTRATE FOR MAGNETIC)
	RECORDING MEDIUM AND METHOD)
	FOR MANUFACTURING THE SAME)
)
Confirmation No.:	3823)
)
Customer No.:	22913)
)
Examiner:	Louis V. Falasco)

REQUEST TO CONSIDER INFORMATION DISCLOSURE STATEMENT
OF JULY 17, 2008 UNDER 37 CFR §1.97(D)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant filed an Information Disclosure Statement (IDS) on July 17, 2008, after the mailing of a Notice of Allowance. The IDS was accompanied by a statement under 37 CFR §1.97(e)(1) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

In a Notice of Non-compliant Information Disclosure Statement dated August 19, 2008, the Office objected to this statement, asserting that there are conflicting statements between the IDS of July 17, 2008 and a previous IDS of June 30, 2008, regarding compliance with 37 CFR §1.97(d). Specifically, the Office states that the IDS of June 30, 2008 was accompanied by the statement “none” as to each item of information contained was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS.”

In response to this assertion by the Office, the Applicant confirms that the statement accompanying the IDS of July 17, 2008, is correct, namely, that each item of information contained in the

information disclosure statement of July 17, 2008, was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement of July 17, 2008.

Applicants respectfully submit that the checking of the box "none" in the IDS of June 30, 2008, was in error. Moreover, a review of the form that includes the box checked "none" in the IDS of June 30, 2008, does not suggest that the IDS did not fall within the three-month period. Instead, the box "none" simply makes no statement at all regarding compliance with 37 CFR §1.97(d). After the Office pointed out this error in a communication of July 1, 2008, the IDS was filed on July 17, 2008, to correct this error and to include the required statement. Again, the Applicant confirms that the statement of July 17, 2008, regarding compliance with the timeliness requirements for the submission of an IDS filed after a Notice of Allowance is correct.

The information disclosure statement of July 17, 2008, failed to include the fee of \$180 set forth in 37 CFR § 1.17(p). To remedy this error, the Applicant paid the \$180 fee on August 25, 2008. The Applicant requests that this fee be applied to satisfy the requirements of 37 CFR §1.97(d)(2). In the alternative, the Applicant notes that the fee worksheet and fee payment that accompanied a response of June 6, 2008, previously authorized the Commissioner to charge fees due under 37 CFR § 1.97 in this patent application to Deposit Account No. 23-3178. Finally, if necessary, this request again specifically authorizes the Commissioner to charge payment of any fees due under 37 CFR § 1.17 to Deposit Account No. 23-3178, including any fees needed to cause the IDS of July 17, 2008, to be considered.

Thus, as set forth above, the Information Disclosure Statement of July 17, 2008, was filed in a timely manner and was accompanied by the required and correct statement under 37 CFR §1.97(c)(1). This statement was not conflicting as explained above, and the Applicant has confirmed herein that the statement was correct. Moreover, the Applicant has noted herein that the required fee under 37 CFR §1.97(d) has already been paid or, in the alternative, that payment using a deposit account has previously been authorized and has again been authorized by this paper. Thus, the Applicant respectfully submits that the IDS of July 17, 2008, is proper and hereby requests that it be considered.

Dated this 15th day of September, 2008.

Respectfully submitted,

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